



FW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/764,390	
	Filing Date	January 23, 2004	
	First Named Inventor	Arthur B. RAITANO	
	Art Unit	1643	
	Examiner Name	K. Canella	
Total Number of Pages in This Submission	4	Attorney Docket Number	511582008100

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (3 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Receipt Postcard
<div>Remarks</div> <p>Customer No. 36327</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Carolyn A. Favorito		
Date	November 18, 2005	Reg. No.	39,183

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: November 18, 2005	Signature: (Judy Bridgewater)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2005

Signature:

Judy Bridgwater
(Judy Bridgwater)

Docket No.: 511582008100
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Arthur B. RAITANO et al.

Application No.: 10/764,390

Filed: January 23, 2004

For: NUCLEIC ACIDS AND CORRESPONDING
PROTEINS ENTITLED 254P1D6B USEFUL IN
TREATMENT AND DETECTION OF
CANCER

Confirmation No.: 2022

Art Unit: 1643

Examiner: K. Canella

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the non-final Office Action dated October 20, 2005, for which a response was due on November 20, 2005. Accordingly, this response is timely filed.

ELECTION OF INVENTION

Applicants elect SEQ ID NO: 3 with traverse. Applicants direct the Examiner's attention to Figure 11 as well as Figure 2D in the present specification. Figure 2D explains that the v.1 amino acid sequence is identical to v.4 and v.7-v.20. V.1 is SEQ ID NO: 3. The chart shows that v.2 and v.5 differ from v.1 by one amino acid. V.2 is SEQ ID NO: 5 and v.5 is SEQ ID NO: 11. Figure 11 also illustrates this comparison and includes a comparison to v.3 or SEQ ID NO: 7. Thus, although applicants elect SEQ ID NO: 3, it is believed that SEQ ID NOs: 5 and 11 would pose no undue search burden to search at the same time as SEQ ID NO: 3. In addition, SEQ ID NO: 7 is identical to SEQ ID NO: 3 except that it is nine amino acids shorter. In addition, applicants believe that searching this sequence as well would cause no undue search burden. Thus, applicants request that SEQ ID NOs: 3, 5, 7, and 11 be examined together.

CONCLUSION

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582008100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 18, 2005

Respectfully submitted,

By 

Carolyn A. Favorito

Registration No.: 39,183

MORRISON & FOERSTER LLP

12531 High Bluff Drive

Suite 100

San Diego, California 92130-2040

(858) 720-5195